

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN HOWARD BIGHAM, III,

Plaintiff,

v.

CASE NO: 12-CV-13411-DT

BARNETT JONES, ET AL.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION DISMISSING COMPLAINT'
WITH PREJUDICE AND TERMINATING AS MOOT DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

This matter was referred to United States Magistrate Michael Hluchaniuk pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 72.1. In his report filed on November 24, 2015, the magistrate judge recommended that this court dismiss the complaint with prejudice and terminate as moot Defendants' motion for summary judgment as moot. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C), thus further appeal rights are waived.¹

Having reviewed the file and the report, the court concludes that the findings and conclusions of the magistrate judge are correct and ADOPTS the same for purposes of this Order.

Accordingly, IT IS ORDERED that, for the reasons set forth in the Magistrate Judge's "Report and Recommendation", Plaintiff's complaint is DISMISSED with prejudice pursuant to Federal Rule of Civil Procedure 41(b) and Defendants' "Motion for Summary Judgement" is TERMINATED AS MOOT.

S/Robert H. Cleland

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

¹The failure to object to the magistrate judge's report releases the court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Dated: January 25, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, January 25, 2015, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522